

DRIVER LICENSE WITHDRAWALS

REVOCATIONS, SUSPENSIONS, AND DISQUALIFICATIONS



Revocation & Suspension Section
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Division of Motor Vehicles
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www.dot.wisconsin.gov/drivers/drivers/enforce/withdrawals.htm

DRIVER LICENSE WITHDRAWALS

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COURT ORDERED

Consent Decree/Delinquency/Truancy Court Ordered Suspensions

ACT 77 EFFECTIVE 07/01/96 CREATED CHAPTER 938

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.32 (under 17)	210	UCD Underage Consent Decree	Confidential May extend decree and suspend no more than 2 years s.938.32(2)(a) & (c). Not eligible for an occupational. Prior to 02/07/00 use charge code 40-MS.	NONE	0
938.34(14m) (under 17)	18	FD Found Delinquent	Confidential May restrict or suspend for 2 years, ordered by the court. Not eligible for an occupational. Effective 07/01/96 - Act 77 repealed s.48.34(7) and recreated s.938.34(14m). Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	NONE	0
938.342(1g)(a) (under 18)	122	T Habitually Truant s.118.163(2)(a)	Confidential May suspend not less than 30 days nor more than 1 year. Previous revocations or suspensions do not have any effect on this action. Not eligible for an occupational. Effective 06/18/98 - Act 239 renumbered s.938.342(1) to s.938.342(1g) & amended to increased length of suspension.	NONE	0
938.342(2)(a) (over 16 - under 18)	122	T School Dropout s.118.163(2m)(a)	Confidential Shall suspend until age 18, except if judge determines suspension to be a hardship to child or family. Not eligible for an occupational. Effective 06/18/98 - Act 239 renumbered s.118.163 (2m) to s.118.163 (2m)(a).	NONE	0
938.355(6)(d)2 (under 17)	18	FD Found Delinquent Violations of Conditions under s.938.355(2)(b)7	Confidential May suspend or limit operating privilege for a period of not more than 3 years. Circuit court only. Municipal courts must suspend under FPJ. Not eligible for an occupational.	NONE	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.355(6m) (under 17)	122	T Sanctions - Violations of Previous Court Order based on Habitual Truancy	Confidential May suspend not more than 1 year or not more than 2 years if no valid license. Not eligible for an occupational.	NONE	0

Drug Related Court Ordered Suspensions

ACT 77 EFFECTIVE JULY 1, 1996 CREATED CHAPTER 938

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.34(14r)(a) (under 17)	178	JCS Juvenile Controlled Substance - excluding Drug paraphernalia Violations of Chapter. 961	Confidential Shall suspend not less than 6 months nor more than 5 years. Circuit court only. Not eligible for an occupational. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	NONE	0
938.344(2e)(a) (under 17)	178	JCS Juvenile Controlled Substance Drug Paraphernalia Viol. of s.961.573(2), s.961.574(2), & s.961.575(2)	Confidential Shall suspend not less than 6 months nor more than 5 years. Municipal or Circuit court. Not eligible for an occupational. Effective 01/01/00 – Act 84 eliminated revocation of operating privilege.	NONE	0
961.50(1) (17 and over)	188	D Drugs Chapter 961 - Any Drug Violation	Shall suspend not less than 6 months nor more than 5 years. Circuit court only. 1st - Eligible for occupational immediately. 2nd - Eligible for occupational after 60 days. 3rd & subq - Eligible for occupational after 90 days. The five year period shall be measured from date of violation which resulted in conviction. Refer to s.961.50(2) Effective 01/01/00 – Act 84 eliminated revocation of operating privilege.	NONE	0

Failure to Pay Court Ordered Suspensions

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(1z)	206	FPD Failure to Pay Driver Improvement Surcharge	May suspend until surcharge is paid, not to exceed 2 yrs. Period is reduced to the date paid. Court to notify department if payment received during suspension period. Previous revocations or suspensions do not have any effect on this action. Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 changed maximum length of suspension.	NONE	0
345.47(1)(b)	23	FPF Failure to Pay Forfeiture Traffic	Required to suspend for 30 days or until forfeiture, penalty assessment if required, jail assessment if required, is paid but not to exceed 2 years. When paid, period is reduced to the date paid. Court to notify department if payment received during suspension period. Previous revocations or suspensions do not have any effect on this action. Not eligible for an occupational. Effective 01/01/00 - Act 84 changed maximum length of suspension.	NONE	0
767.303(1),(2)	205	FPS Failure to Pay Support Viol. of Chp 767, 769, or 948.22(7)	May suspend until all arrearages paid or makes arrangements to court for payments, not to exceed 2 years. Certification by court-767.303(2). Eligible for occupational immediately. Effective 01/01/00 - Act 84 changed maximum length of suspension	NONE	0
343.345 & 49.857(3)(a)3	205	FPS Failure to Pay Support	The Department of Workforce Development may suspend until all arrearages paid or makes arrangements for payments, not to exceed 5 years. Eligible for occupational immediately. Effective 05/01/98 - created by Act 191	NONE	0
49.857(3)(b)	205	FPS Failure to Comply with DWD subpoena or warrant	6 month suspension Eligible for occupational immediately.	NONE	0

Violations On or After 07/01/96 through 11/30/99

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
800.09 (1)(c) & 800.095(4)(b)4 (17 and older)	123	FPN Failure to Pay Judgment and Restitution	Required to suspend until judgment and any restitution order is paid, not to exceed 5 years. Period is reduced to the date paid. Court to notify department if payment received during suspension period. Previous revocations or suspensions do not have any effect on this action. Not eligible for an occupational. Repealed by Act 9 - Effective with violations on or after 12/01/99, eliminated authority of court to suspend for failure to pay non-traffic convictions.	NONE	0

Effective 01/01/00 - Cases Processed With A Violation Date Prior to 12/01/99

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
800.09(1)(c) & 800.095(4)(b)4 (17 and older)	123	FPN Failure to Pay Judgment and Restitution	Required to suspend until judgment and any restitution order is paid, not to exceed 2 years. Period is reduced to the date paid. Court to notify department if payment received during suspension period. Previous revocations or suspensions do not have any effect on this action. Not eligible for an occupational. Effective 01/01/00 - Act 84 changed maximum length of suspension to 2 years - Applies to cases processed with a violation date prior to 12/01/99. Repealed by Act 9 - Effective with violations on or after 12/01/99, eliminated authority of court to suspend for failure to pay non-traffic convictions.	NONE	0
938.355(6)(d)2	87	FPJ Failure to Comply with Dispositional Order	May suspend not more than 3 years.	NONE	0
938.34(8d)(d)	87	FPJ Failure to Pay Victim Witness Fee	May suspend not more than 5 years.	NONE	0

Violations On or After 07/01/96 through 11/30/99

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.17(2)(d), 938.34(8), 938.343(2) (under 17)	87	FPJ Failure to Pay Forfeiture Juvenile civil law/local ord or juvenile disposition	<p>Confidential</p> <p>May suspend not less than 30 days nor more than 5 years for violations on or after 07/01/96 through 11/30/99. Effective with violations on or after 07/01/96 do not honor after application or consecutive. (Violations prior to 07/01/96 suspend not less than 30 days nor more than 90 days-honor after application & consecutive.)</p> <p>Court to notify department if payment received during suspension period. Period reduced to date paid.</p> <p>Not eligible for an occupational.</p> <p>Repealed by Act 9 - Effective with violations on or after 12/01/99, eliminated authority of court to suspend for failure to pay non-traffic convictions.</p>	NONE	0

Effective 01/01/00 - Cases Processed With A Violation Date Prior to 12/01/99

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.17(2)(d), 938.34(8), 938.343(2) (under 17)	87	FPJ Failure to Pay Forfeiture Juvenile civil law/local ord or juvenile disposition	<p>Confidential</p> <p>May suspend not more than 2 years.</p> <p>Not eligible for an occupational.</p> <p>Effective 01/01/00 - Act 84 changed maximum length of suspension to 2 years - Applies to cases processed with a violation date prior to 12/01/99.</p> <p>Repealed by Act 9 - Effective with violations on or after 12/01/99, eliminated authority of court to suspend for failure to pay non-traffic convictions.</p>	NONE	0

Effective 10/01/01 Cases Processed With A CONVICTION DATE On or After 10/01/01

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.17(2)(d), 938.34(8), 938.343(2) (under 17)	87	FPJ Failure to Pay Forfeiture Juvenile civil law/local ord or juvenile disposition	<p>Confidential May suspend not more than 2 years. Not eligible for an occupational.</p> <p>Effective 01/01/00 - Act 84 changed maximum length of suspension to 2 years. Applies to cases processed with a violation date prior to 12/01/99. Repealed by Act 9 - Effective with violations on or after 12/01/99, eliminated authority of court to suspend for failure to pay non-traffic convictions. Effective 12/01/01 - Act 16 Courts may suspend for FPJ for charges with conviction dates on or after 10/01/01.</p>	NONE	0

Traffic Related Court Ordered Revocations or Suspensions

OAR/OWS/OWD Violations On or After 08/01/00

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(1g)(a) & (b)	52	OWS Operating While Suspended Violation of s.343.44(1)(a)	1st-3rd in a 5 year period. May suspend for any period not to exceed 6 months. Eligible for occupational after 15 days.	Dept will take action if no court order & point accumulation is 12 or more in a 1 yr period. Trans. 101	3
	44	OAR Operating After Revocation Violation of s.343.44(1)(b)			
	183	OWD Operating While Disqualified Violation of s.343.44(1)(d)	4th+ in a 5 year period. Shall revoke 6 months (court may order a lesser time period). Federal and Tribal convictions shall count as priors. Eligible for occupational after 15 days. Act 84 - violations will result in suspension only if ordered by court. No action will be taken if court does not order. Effective 08/01/98 - Act 84 amended s.343.32(2)(bg) changing OAR/OWS/OWD demerit point assessment to three (3) demerit points, and repealed s.351.02(1)(a)4, changing OAR/OWS/OWD from major convictions to minor convictions for HTO calculation purposes.	Dept will take action if court fails to do so-s.343.31(1)(hm)	

OAR/OWS Violations On or After 01/01/93 Through 07/31/00

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(1g)	44 52	OAR Operating After Revocation Violation of s.343.44(1) OWS Operating While Suspended Violation of s.343.44(1)	May revoke up to 6 months if prior convictions are other than alcohol related including administrative suspensions for Prohibited Alcohol Concentration. Shall revoke up to 6 months if previously revoked or suspended for an alcohol related offense. Eligible for occupational after 15 days. Act 277 - Violations on or after 01/01/93 for OAR/OWS cases processed through 04/30/00 requires mandatory revocation if, on the date of violation, previously revoked/suspended for a alcohol related offense-refer to s.343.31(1)(f) & s.343.31(3)(g). (Violations prior to 01/01/93 for any OAR/OWS conviction requires a 6 month mandatory revocation-refer to s.343.31(1)(f).)	Dept will take action if no court order & point accumulation is 12 or more in a 1 yr period. Trans. 101 Dept. to take action under s.343.31(3)(g)- Repealed by Act 84 - Effective 08/01/00.	3

Operating While Under Influence of Intoxicant s.346.63(1)(a), Prohibited Alcohol Concentration 346.63(1)(b) or Detectable Amount of Controlled Substance s.346.63(1)(am)

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(1q)	55 212 174 157 138 173 165	OWI Operating While Intoxicated PAC Prohibited Alcohol Concentration OCS Operating Controlled Substance CWI Commercial Operating While Intoxicated CCS Commercial OWI – Controlled Substance HWI Hazardous Commercial Operating While Intoxicated HCS Hazardous Commercial OWI – Controlled Substance	<p>1st offense– s.343.30(1q)(b)2. Revoke 6-9 months** - Eligible for occupational immediately.</p> <p>2nd offense– s.343.30(1q)(b)3. Revoke 1 yr-18 months - Eligible for occupational after 60 days, completion of assessment, & in compliance with Driver Safety Plan-(s.343.30(1q)(b)3.). Effective with OWI-type violations on or after 09/30/01, eligible for occupational after 1 year if any 2 convictions have violation dates within a 5 year period.</p> <p>3rd & subq offenses– s.343.30(1q)(b)4. Revoke 2-3 yrs. - Eligible for occupational after 90 days, completion of assessment, & in compliance with Driver Safety Plan-(s.343.30(1q)(b)4.). Effective with OWI-type violations on or after 09/30/01, eligible for occupational after 1 year if any 2 convictions have violation dates within a 5 year period.</p> <p>2003 Wis. Act 97: Effective with violations committed on or after 12/19/03 – 346.63(1)(am). OWI/CWI/HWI – Person has a detectable amount of a restricted controlled substance in his or her blood. Statute number listed in remarks field of the conviction entry on driver record.</p> <p>* 2003 Wis. Act 30: Effective with violations committed on or after 09/30/03 – If convicted of first violation under 346.63(1)(b) only and alcohol concentration is 0.08 or higher but less than 0.10, no assessment required.</p> <p>Increased Penalties: Act 425 Effective 06/21/96-S.343.30(1q)(B)4m. Double revocation and suspension time periods if violation on or after 06/21/96 and passenger in vehicle under age 16.</p> <p>Amended - Act 277 (2nd and subsequent convictions) Any occupational license issued on or after 01/01/93 requires assessment completion and in compliance with driver safety plan.</p> <p>**1st Offense violations prior to 04/09/01, suspend 6-9 months, eligible for occupational immediately.</p>	<p>Assessment Required *</p> <p>Department to take action if court fails to do so. s.343.30(1q)(f)</p>	6

Other Traffic Violations

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(1)		Any State Traffic Conviction or Local Ordinance	May suspend up to 1 yr. Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege	Dept. will take action if point accumulation is 12 or more in 1 yr period and court order is less than 2 mos. Trans.101	Assessed Value Trans. 101.02
343.30(1n)	65	SE Speeding Excess s.346.57(4)(gm) or (h) (25 or more over legal limit of 55 mph or 65 mph)	Court is required to suspend for a period of 15 days effective date of notification by the department. Effective 01/01/00 - Act 84 provided for DOT to set the effective date of suspension.	NONE	6
343.30(1o)	88	PI Illegal Passing of Emergency Vehicle s.346.072(1)(a) or (b)	If offense resulted in property damage to another, suspend 90 days - year. If offense resulted in bodily harm to another, suspend 180 days - 2 years. If offense resulted in the death of another, suspend 2 years. Effective 12/01/01 Act 15, violations on or after 12/01/01.	NONE	3
343.30(1p) (under 21)	108	UAO Underage Alcohol Operation over .00% but not more than 0.08% s.346.63(2m)	Court shall suspend 3 months - Court shall suspend 6 months if violation on or after 06/21/96 and passenger in vehicle under age 16. (Act 425 effective 06/21/96) Eligible for occupational immediately. Amended - Act 27 - Violations on or after 10/14/97 "If a person has not attained the legal drinking age" (under 21). Violations prior to 10/14/97 has age requirement under 19.	NONE	0
343.30(2d)	64	SO Sex Offense s.940.225, s.948.02, s.948.025, s.948.07	May suspend for 1 yr. or until discharged from jail, prison, or probation or parole; whichever date is later. Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	NONE	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(2g)	25	FSA Failure to Stop After Accident Violations of s.346.67; No personal injury, great bodily harm, or death.	May suspend or revoke for any period not to exceed 1 year. (Mandatory action - See s.343.31.) Eligible for occupational after 15 days.	Dept. will take action if no court order & point accumulation is 12 or more in a 1 year period. Trans. 101	6
	142	CFS Comm. Failure to Stop After Accident Violations of s.346.67; No personal injury, great bodily harm, or death.			
	167	HFS Haz. Comm. Failure to Stop After Accident Violations of s.346.67; No personal injury, great bodily harm, or death.			
	184	FSU Failure to Stop After Accident- Unattended Vehicle Violations of s.346.68			6
	185	CFU Comm. Failure to Stop After Accident- Unattended Vehicle Violations of s.346.68			
	186	HFU Haz. Comm. Failure to Stop After Accident-Unattended Vehicle Violations of s.346.68			
	189	DSP Duty Upon Striking Property Violations of s.346.69			0
	190	CDS Comm. Duty Upon Striking Property Violations of s.346.69			
	191	HDS Haz. Comm. Duty Upon Striking Property Violations of s.346.69			Effective 01/01/00 - Act 84 CREATED s.343.30(2g)

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(2j)	63 151	RD Reckless Driving Violation of s.346.44(1) or s.346.62(2m). Endanger safety by driving vehicle on or across railroad crossing or through, around, or under crossing gate or barrier at railroad crossing. CRD Comm. Reckless Driving Violation of s.346.44(1) or s.346.62(2m). Endanger safety by driving vehicle on or across railroad crossing or through, around, or under crossing gate or barrier at railroad crossing.	May revoke 6 months for first conviction. Shall revoke 6 months for the 2nd or subsequent conviction within a 5-year period. The 5-year period shall be measured from dates of violations that resulted in the convictions. Convictions arising out of the same incident or occurrence shall be counted as a single conviction. Effective 05/02/98 - Act 135 created s.343.30(2j)	Dept. will take action if no court order & point accumulation is 12 or more in a 1 year period. Trans. 101	6
343.30(2m)	34	IIV Intoxicant in Vehicle carrying underage person s.346.93	May suspend not less than 30 days nor more than 1 yr. Previous revocations or suspensions for other reasons do not have any effect on this action. Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	NONE	0
343.30(3)	104	OCR Occupational license – Court Ordered Withdrawal s.343.10	May withdraw the occupational order whenever the judge does not see fit to permit licensee to retain the occupational license. Effective 01/01/00 - Act 84 eliminated revocation of the occupational license and required the department to cancel the occupational license.	Department will cancel occupational (LPI)	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.305(10)	91 144 169	IC Implied Consent (Refusal) CIC Comm.-Implied Consent HIC Haz. Comm. Implied Consent	<p>1st offense - Revoke 1 year. Eligible for occupational after 30 days.</p> <p>2nd offense - Revoke 2 years. Eligible for occupational after 90 days, completion of assessment, & in compliance with Driver Safety Plan-(s.343.305(10)(b)3.). Effective with OWI-type violations on or after 09/30/01, not eligible for occupational until after 1 year if any 2 convictions have violation dates within a 5 year period.</p> <p>3rd and subsequent offenses - Revoke 3 years. Eligible for occupational after 120 days, completion of assessment & in compliance with Driver Safety Plan-(s.343.305(10)(b)4.) Effective with OWI-type violations on or after 09/30/01, not eligible for occupational until after 1 year if any 2 convictions have violation dates within a 5 year period.</p> <p>Increased Penalties: Act 425 Effective 06/21/96 - s.343.305(10)(b)4m. Double revocation time period if violation on or after 06/21/96 and passenger in vehicle under age 16.</p> <p>Amended - Act 277 (2nd and subsequent convictions) Any occupational license issued on or after 01/01/93 requires assessment completion and in compliance with driver safety plan.</p> <p>Effective 12/20/89 - Act 105 Refusals with a violation on or after 12/20/89 under s.343.305(9)(d) or another jurisdiction in substantial conformity are considered a major offense under Chp. 351 Habitual Traffic Offender Law.</p>	Assessment Required. Department to take action if court fails to do so. s.343.305(10)(f)	0
343.305 (10)(em)	109 146 171	ICU Implied Consent Underage (Refusal) Viol. of s.346.63(2m) CIN Comm. Implied Consent - Not a Drop Viol. of s.346.63(7) HIN Haz. Comm. Implied Consent - Not a Drop Viol. of s.346.63(7)	<p>Revoke 6 mos. - see s.346.65(2u)(c). Revoke 12 mos if violation on or after 06/21/96 and passenger in vehicle under age 16. (Act 425 effective 06/21/96). Previous revocations or suspensions do not have any effect on this action. Eligible for occupational after 15 days.</p>	<p>No assessment required.</p> <p>Department to take action if court fails to do so. (s.343.305(10)(f))</p>	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
346.63(5)(a)	130 163	CA Commercial Alcohol 0.04% or more but less than 0.08% HCA Haz. Commercial Alcohol 0.04% or more but less than 0.08%	No suspension or revocation is required. The court may proceed under s.343.30(1) listed on page 11. This conviction is a disqualifying offense and will result in a disqualification of only the commercial privilege. See s.343.315(2)(a)2.		0
346.63(6)(a)	134 161	CAI Commercial Alcohol Causing Injury 0.04% or more but less than 0.08% HAI Haz. Commercial Alcohol Causing Injury 0.04% or more but less than 0.08%	See s.343.31(1)(ar) on page 28.	Mandatory	6
346.63(7)(a)1 346.63(7)(a)2	148	COO Commercial 0.0 - Not a Drop	Issue a 24 hr out-of-service order. The court may proceed under s.343.30(1) listed on page 11.		0
346.63(7)(a)3	149	CPB Commercial Possession of Intoxicating Beverage	Issue a 24 hr out-of-service order. The court may proceed under s.343.30(1) listed on page 11.	Dept will take action if no court order & point accumulation is 12 or more in a 1 year period. Trans. 101	3

Underage Alcohol & Related Court Ordered Suspensions

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
125.07(4)(a)& (4)(bs) (under 17)	103	JA Juvenile Alcohol Underage Procures, Attempts to Procure, Enters or is on Licensed Premises, Falsely Represents Age	Confidential Under 17 - See s.938.344(2b)-Page 18. Eligible for occupational after 15 days.	NONE	0
125.07(4)(a)& (4)(bs) (17-20)	207	UAL Underage Alcohol Procures, Attempts to Procure, Enters or is on Licensed Premises, Falsely Represents Age	Confidential Age 17-20 - See s.343.30(6)(b)-Page 17. Eligible for occupational after 15 days.	NONE	0
125.07(4)(b) & (4)(c) (under 17)	103	JA Juvenile Alcohol Underage Possess or Consume Alcohol Beverages	Confidential Under 17 - See s.938.344(2)(a)-Page 18. Eligible for occupational after 15 days.	NONE	0
125.07(4)(b) & (4)(c) (17-20)	207	UAL Underage Alcohol Possess or Consume Alcohol Beverages	Confidential Age 17-20 - See s.343.30(6)(b)-Page 17. Eligible for occupational after 15 days.	NONE	0
125.085(3)(bd) (under 17)	111	JID Juvenile Identification Card	Confidential Under 17 - See s.938.344(2d)-Page 18. Eligible for occupational after 15 days.	NONE	0
125.085(3)(bd) (17-20)	208	UID Underage Identification Card	Confidential Age 17-20 - See s.343.30(6)(bm) on Page 17. Eligible for occupational after 15 days.	NONE	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.30(6)(b)3 (17-20)	207	UAL Underage Alcohol Viol.-s.125.07(4)(a) or (b), s.125.09(2)(b)	<p>Confidential May suspend: 1st viol.- 30-90 days.</p> <p>2nd viol.- not more than 1 year if within* 12 mos. of a previous violation. For violations on/after 01/01/01, court must suspend for up to 1 year if offense involved a motor vehicle.</p> <p>3rd and subsequent viol.- not more than 2 years if within* 12 mos. of 2 or more previous violations. For violations on/after 01/01/01, court must suspend for up to 1 year if offense involved a motor vehicle. Effective from date of disposition or if no WI license, suspension shall commence after application.</p> <p>Previous revocations or suspensions do not have any effect on this action. Eligible for occupational after 15 days. Under age 17 - See s.938.344(2).</p> <p>*Effective 01/01/01 – Act 109. Added a suspension if offense involved a motor vehicle. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.</p>	NONE	0
343.30(6)(bm) (17-20)	208	UID Underage Identification Card s.125.085(3)(bd)	<p>Confidential May suspend 30 to 90 days. Effective from date of disposition or if no WI license, suspension shall commence after application. Previous revocations or suspensions do not have any effect on this action. Eligible for occupational after 15 days. Under age 17 - See s.938.344(2d).</p>	NONE	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.344(2)(a),(b),(c) (under 17)	103	JA Juvenile Alcohol Underage Viol. of s.125.07(4)(b) & s.125.09(2)(b) Possess or consume alcohol beverages or possess or consume on school grounds, etc.	Confidential May suspend: 1 st violation- 30-90 days. 2 nd violation- not more than 1 year if within* 12 mos. of a previous violation. For violations after 01/01/01, court must suspend for up to 1 year if offense involved a motor vehicle. 3 rd and subsequent violations- not more than 2 years if within* 12 mos of 2 or more previous violations. For violations after 01/01/01, court must suspend for up to 1 year if offense involved a motor vehicle. Suspension time periods provided for under s.343.30(6)(b)1,2,3. Effective on date of disposition, s.343.30(6)(c) except if no WI license, suspension shall commence after application. Previous revocations or suspensions do not have any effect on this action. Eligible for occupational after 15 days. *Effective 01/01/01 - Act 109. . Added a suspension if offense involved a motor vehicle. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	NONE	0
938.344(2b)(a),(b),(c) (under 17)	103	JA Juvenile Alcohol Underage Viol. of s.125.07(4)(a) Procures or attempts to procure, enters or is on licensed premises, falsely represents age	Confidential See s.938.344(2)(a), (b), (c), listed above, for information regarding suspension. Suspension time periods provided for under s.343.30(6)(b)1,2,3. Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	NONE	0
938.344(2d)(under 17)	111	JID Juvenile Identification Card Viol. of s.125.085(3)(b)	Confidential May suspend 30 to 90 days. Effective from date of disposition or if no WI license, suspension shall commence after application. Suspension time periods provided for under s.343.30(6)(bm) on page 17. Eligible for occupational after 15 days.	NONE	0

Repealed Laws

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
343.32(1)(a) TRANS.101.04(6) Repealed by Act 314 effective 04/30/94	04	ACF Accident Conviction Fatal		Revoke 6 months - Eligible for occupational after 15 days. Including conviction from other jurisdictions resulting in a fatality. See s.343.32(1)(c).	0
343.31(3)(g) Repealed by Act 84 effective 08/01/00	44 52	OAR Operating After Revocation Violation of s.343.44(1) OWS Operating While Suspended Violation of s.343.44(1)	Revoke 6 months if previously revoked or suspended for alcohol violation under s.346.63(1), (5), 346.63(2), (6), s.940.09(1), s.940.25, and refusals under s.343.305. (See s.343.31(3)(g).) Eligible for occupational after 15 days. Act 277 - Violations on or after 01/01/93 for OAR/OWS cases processed through 07/31/00 require mandatory revocation if, on the date of violation, previously revoked/suspended for a alcohol elated offense-refer to s.343.31(1)(f) & s.343.31(3)(g). Violations prior to 01/01/93 for any OAR/OWS conviction required a 6 month mandatory revocation-refer to s.343.31(1)(f). Effective 08/01/98 - Act 84 AMENDED S.343.32(2)(bg) changing OAR/OWS/OWD demerit point assessment to three (3) demerit points, and repealed s.351.02(1)(a)4. changing OAR/OWS/OWD from major convictions to minor convictions for HTO calculation purposes.		3
343.31(3)(h) Repealed by Act 84 effective 08/01/00	73	VOO Violation of Occupational License s.343.43(1)(d) & s.343.10(8)	Revoke 6 months Eligible for an occupational after 15 days. Effective 08/01/00 - Act 84 amended s.343.10(8)(a) & (b)- Occupational License violations shall be prosecuted under s.343.44(1)(a) & (b).		6

Violations On or After 07/01/96 Through 11/30/99 – FPJ/FPN

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
800.09(1)(c) & 800.095(4)(b)4 (17 and older) Repealed by Act 9 effective with violations on or after 12/01/99.	123	FPN Failure to Pay Judgment and Restitution	Required to suspend until judgement and any restitution order is paid, not to exceed 5 years. Period is reduced to the date paid. Court to notify department if payment received during suspension period. Previous revocations or suspensions do not have any effect on this action. Not eligible for occupational.	NONE	0
800.09(1)(c) & 800.095(4)(b)4 (17 and older) Repealed by Act 9 effective with violations on or after 12/01/99	123	FPN Failure to Pay Judgment and Restitution	Required to suspend until judgement and any restitution order is paid, not to exceed 2 years. Period is reduced to the date paid. Court to notify department if payment received during suspension period. Previous suspensions or revocations do not have any effect on this action. Not eligible for occupational.	NONE	0
938.17(2)(d), 938.34(8), 938.343(2) (under 17) Repealed by Act 9-effective with violation dates from 12/01/99 to conviction dates prior to 10/01/01.	87	FPJ Failure to Pay Forfeiture Juvenile civil law/local ord or juvenile disposition	Confidential May suspend not less than 30 days nor more than 5 years for violations on or after 07/01/96 through 11/03/99. Effective with violations on or after 07/01/96 do not honor after application or consecutive. (Violations prior to 07/01/96 suspend not less than 30 days nor more than 90 days-honor after application & consecutive.) Court to notify department if payment received during suspension period. Period reduced to date paid. Not eligible for occupational.	NONE	0

Statute #	Charge Code #	Charge/Reason	Court Action	Dept. Action	Points
938.17(2)(d), 938.34(8), 938.343(2) (under 17) Repealed by Act 9-effective with violation dates from 12/01/99 to conviction dates prior to 10/01/01.	87	FPJ Failure to Pay Forfeiture Juvenile civil law/local ord or juvenile disposition	Confidential May suspend not more than 2 years. Not eligible for occupational.	NONE	0

Informational

Assessment Required

s.343.30(1q)(c) & s.343.305(10)(c)

If person is convicted under s.346.63(1)(a) Operating While Under the Influence of an Intoxicant or Controlled Substance-OWI, OCS, CWI, CCS, HWI, HCS; s.346.63(1am) Operating With Detectable Amount of Restricted Controlled Substance in Blood-OWI, CWI, HWI; *s.346.63(1)(b) Prohibited Alcohol Concentration-PAC; s.346.63(2) Operating While Intoxicated With Injury-OII, CII, HII; s.940.25 Great Bodily Harm-GBH, CBH, CAH, HBH, HAH; s.940.09 Homicide Intoxicated Use-5 yrs. where the offense involved the use of a vehicle-NHI, CHI, HHI, CAD, HAD; or is revoked for implied consent refusal- IC, CIC, HIC; the court shall order assessment. Department is to take action if court fails to do so. Refer to s.343.30(1q)(f) or s.343.305(10)(f). No assessment required for convictions received from a tribal court.

***2003 Wis. Act 30: Effective with violations committed on or after 09/30/03** – If convicted of first violation under 346.63(1)(b) only and alcohol concentration is 0.08 or higher but less than 0.10, no assessment required.

Chemical Tests Required

s.343.305

Test may be required for the purpose of determining presence of alcohol or controlled substances for the violation of s.346.63(1)(a)-Operating While Intoxicated, s.346.63(1am) Operating With Detectable Amount of Restricted Controlled Substance in Blood, s.346.63(1)(b)-Prohibited Alcohol Concentration, s.346.63(5)-Commercial Alcohol 0.04 or more but less than 0.08, s.346.63(2)-Operating While Intoxicated With Injury, s.346.63(6)-Commercial Alcohol With Injury 0.04 or more but less than 0.08, s.346.63(7)-Commercial Not A Drop, s.940.25-Great Bodily Harm, & s.940.09-Negligent Homicide Intoxicated-5 yr.

Department's Authority

s.343.30(1q)(f), S.343.31(1m), & S.343.31(3)(bm)

Courts failure to make order, department may make order.

Fees

s.343.10(2), s.343.21(1)(e), s.343.21(1)(j), s.343.21(1)(jm), s.343.21(1)(m)

Fee for offense or arrest date on or after 03/01/87 is:

Occupational fee - \$40.00; Revocation Reinstatement fee - \$50.00; Suspension Reinstatement fee - \$50.00.

Fee for reinstatement on or after 12/21/95 based on a Disqualification or Cancellation is \$50.00.

Occupational License Eligibility

s.343.10(2)(a)1

Eligible for occupational license if not previously suspended or revoked under Chp.343, 344, or s.961.50 within the 1 year period immediately preceding the present revocation or suspension. A person is eligible if the only previous revocation & suspension cases are for JCS convictions under Chapter 48.

Time Periods Doubled

s.343.30(1q)(b)4m, s.343.30(1p), s.343.305(10)(b)4m, s.343.305(10)(em), s.343.31(3)(bm)4m, s.343.31(3)(c), s.343.31(3)(e), & s.343.31(3)(f)

Revocation or suspension time period is doubled if violation on or after 06/21/96 with passenger in vehicle under age 16 for convictions under s.346.63(1)(a) Operating While Under the Influence of an Intoxicant or Controlled Substance-OWI, OCS, CWI, CCS, HWI, HCS; s.346.63(1am) Operating With Detectable Amount of Restricted Controlled Substance in Blood-OWI, CWI, HWI; s.346.63(1)(b)-Prohibited Alcohol Concentration-PAC; s.343.30(1p) Underage Alcohol Operation-UAO; s.343.305(10)(b) revoked for implied consent refusal-IC, CIC, HIC; s.343.305(10)(em) revoked for implied consent refusal underage-ICU, CIN, HIN; s.346.63(2) Operating While Intoxicated With Injury-OII, CII, HII; s.940.09 Homicide Intoxicated Use-NHI, CHI, HHI, CAD, HAD; s.940.25 Great Bodily Harm-GBH, CBH, CAH, HBH, HAH.

Time Periods Reduced

s.343.30(1q)(h) & s.343.305(10)(g)

The period of suspension or revocation shall be reduced by any period of suspension or revocation previously served under s.343.305 for any refusal or Administrative Suspension for Prohibited Alcohol Concentration and the conviction for violation of s.346.63(1)(a)-Operating While Intoxicated, s.346.63(1am) Operating With Detectable Amount of Restricted Controlled Substance in Blood, 346.63(1)(b)-Prohibited Alcohol Concentration and s.346.63(2m)-Underage Alcohol Operation or local ordinance in conformity therewith if they arise out of the same incident or occurrence.

Prior Alcohol Offenses To Be Counted

Under s.343.307(1), s.343.307(2), s.343.30(1q)(b)1, & s.343.305(10)(b)1

- Consider previous convictions for:
 - s.940.25 Great Bodily Harm
GBH, CBH, CAH, HBH, HAH
 - s.940.09 Negligent Homicide Intoxicated-5 yr. where the offense involved the use of a vehicle
NHI, CHI, HHI, CAD, HAD
 - s.346.63(1)(a), and/or (am), and/or (b) Operating While Intoxicated
OWI, PAC, OCS, CWI, CCS, HWI, HCS
 - s.346.63(2) Operating While Intoxicated With Injury
OII, CII, HII
 - s.343.305(9) Refusal revocations; if not same incident
IC, CIC, HIC
- Tribal Court convictions with violations on or after 08/15/91 for the above charges are to be counted as priors.
- Convictions for Commercial Alcohol-CA/HCA, Commercial Alcohol Injury-CAI/HAI are counted as priors only when the latest entry is a refusal-s.343.307(2)(a) & (b).
- Effective 01/01/01 Act 109, GBH and NH always count as priors regardless of date of violation.
- Effective with violations on or after 01/01/99.** The 10 year period shall apply if a prior offense exists. The lifetime of the record shall apply if 2 or more prior offenses exist. Violations prior to **01/01/89** cannot be counted. (See s.343.31(3)(bm)3 & 4) Act 237 effective 01/01/99 - Lifetime.
- Violations between 01/01/88 and 12/31/98.** Count prior offenses within a 5 year period for a 2nd violation. Count prior offenses in a 10 year period for 3rd & subsequent violations. **Do not** count prior offenses prior to 01/01/88.
- The 5-year or 10-year period shall be measured from dates of refusal, or violations which resulted in suspension, revocation or conviction.
 - Refer to s.343.30(1q)(b)5., s.343.305(10)(b)5, and s.343.31(3)(bm)5. Act 317 effective 04/30/94 - 10 year period.
 - Convictions from other jurisdictions using substantially similar terms are to be counted as a prior offense.
 - Convictions from other jurisdictions are processed using the same criteria except that the 2nd & subsequent withdrawal period is only one year.

MANDATORY

REVOCATIONS/SUSPENSIONS REQUIRING DEPARTMENT TO REVOKE/SUSPEND OPERATING PRIVILEGE-343.31

The department shall revoke or suspend the operating privilege upon receiving a record of conviction for any violation of a state law or local ordinance which is in conformity therewith or under a law of a federally recognized American Indian tribe or band in this state which is in conformity with state law for any of the charges listed on this page through page 31.

OAR/OWS/OWD Violations On or After 08/01/00 - Act 84

Statute #	Charge Code #	Charge/Reason	Action	Points
343.31(1)(hm)	52	OWS Operating While Suspended s.343.44(1)(a)-4th+ conviction within a 5 year period	Revoke 6 months. (only if no court order under s.343.30(1g)(b)). Tribal convictions and Federal convictions for violations that occurred at Fort McCoy are included. Eligible for occupational after 15 days. Effective 08/01/00 - Act 84 created 343.31(1)(hm), amended s.343.30(1g)(a) adding violations for Operating While Disqualified, and amended s.343.10(8)(a) & (b)- Occupational License violations shall be prosecuted under s.343.44(1)(a) & (b).	3
	44	OAR Operating After Revocation s.343.44(1)(b)-4th+ conviction within a 5 year period		
	183	OWD Operating While Disqualified s.343.44(1)(d)-4th+ conviction within a 5 year period		

OAR/OWS Violations On or After 01/01/93 And Cases Processed Through 07/31/00

Statute #	Charge Code #	Charge/Reason	Action	Points
Other Jurisdiction 343.31(2m)	44 52	OAR Operating After Revocation s.343.44(1) OWS Operating While Suspended s.343.44(1)	<p>Revoke for 6 months -</p> <p>Violations on or after 01/01/93 and cases process through 07/31/00: Revoke only if on date of violation subject previously suspended or revoked in Wisconsin for alcohol violation whether the alcohol withdrawal occurred because of a violation in Wisconsin or another jurisdiction. Other jurisdictions also include Federal Court convictions for violations that occurred at Fort McCoy.</p> <p>Eligible for occupational after 15 days</p> <p>Revocation shall not apply to CMV operating by a non-resident who holds a valid CDL issued in another state.</p> <p>Act 277 - Violations on or after 01/01/93 for OAR/OWS cases processed through 07/31/00 require mandatory revocation if, on the date of violation, previously revoked/suspended for a alcohol related offense-refer to s.343.31(1)(f) & s.343.31(3)(g).</p> <p>(Violations prior to 01/01/93 for any OAR/OWS conviction requires a 6 month mandatory revocation-refer to s.343.31(1)(f).</p>	0

Operating While Under the Influence of an Intoxicant or Controlled Substance, Prohibited Alcohol Concentration, or any substantially similar terms used by the other jurisdiction

Statute #	Charge Code #	Charge/Reason	Action	Points
343.31(2) & (3)(b) Other Jurisdiction	55 212 174 157 138 173 165	OWI Operating While Intoxicated PAC Prohibited Alcohol Concentration OCS Operating While Intoxicated – Controlled Substance CWI Commercial Operating While Intoxicated CCS Commercial OWI – Controlled Substance HWI Hazardous. Commercial Operating While Intoxicated HCS Hazardous Commercial OWI – Controlled Substance	Assessment required. 1st - Revoke 6 months* - Eligible for occupational after 15 days. 2nd & subq - Revoke 1 year - Eligible for occupational after 15 days. Revocation shall not apply to CMV operation by a non-resident who holds a valid CDL issued in another state. *1 st Offense violations prior to 04/09/01 were suspensions. Increased Penalties: Act 425 Effective 06/21/96-s343.31(2): Double revocation and suspension time periods if violation on or after 06/21/96 and passenger in vehicle under age 16.	0
343.31(3)(bm) Tribal Convictions	55 212 174	OWI Operating While Intoxicated s.346.63(1)(a) PAC Prohibited Alcohol Concentration s346.63(1)(b) OCS Operating While Intoxicated – Controlled Substance s.346.63(1)(a) (includes same charges listed above for CMV)	Assessment required. 1st - Revoke 6-9 months* - Eligible for occupational immediately. 2nd - Revoke 1 yr-18 months - Eligible for occupational after 60 days. 3rd & subq - Revoke 2-3 years - Eligible for occupational after 90 days. Act 39 - Effective with violations on or after 08/15/91 resulting in tribal convictions: The Department shall suspend/revoke for the minimum time period or the period indicated by the tribal court provided it's within the time period specified by the statutes - s.343.31(1m) & s.343.31(3)(bm). *1 st Offense violations prior to 04/09/01 were suspensions. Increased Penalties: Act 425 Effective 06/21/96-s.343.31(3)(bm)4m: Double revocation & suspension time period if violation on or after 06/21/96 and passenger in vehicle under age 16.	6

Other Traffic Violations

Statute #	Charge Code #	Charge/Reason	Action	Points
343.31(1)(a)	45	NH Negligent Homicide s.940.06 & s.940.10	Revoke 1 year - Eligible for occupational after 15 days.	0
	63	RD Negligent Operation Causing Great Bodily Harm s.346.62(4)		6
	151	CRD Comm. Negligent Operation Causing Great Bodily Harm s.346.62(4) only		6
343.31(1)(ar)	134	CAI Commercial Alcohol Causing Injury (0.04 but less than 0.08) s.346.63(6)	Revoke 1 year - Eligible for occupational after 15 days.	6
	161	HAI Haz. Commercial Alcohol Causing Injury (0.04 but less than 0.08) s.346.63(6)		
343.31(1)(c)	75	VUF Vehicle Used in Commission of Felony	Revoke 1 year - Eligible for occupational after 15 days.	0
	156	CVF Comm. Vehicle Used in Commission of Felony		
	172	HVF Haz. Comm. Vehicle Used in Commission of Felony		
	137	CCF Comm. Controlled Substance Felony		
	164	HCF Haz. Comm. Controlled Substance Felony		
		OWO Operating Vehicle Without Owners Consent s.943.23 (Replaced OWO charge code with VUF abbreviation on 04/01/92)		
343.31(1)(d)	25	FSA Failure to Stop After Accident s.346.67 (with personal injury).	Under 17-Confidential- s.938.396(4) Revoke 1 year - Eligible for occupational after 15 days. See s.343.31(3)(i) & (j) for Revocation 2-5 years involving great bodily harm or death.	6
	142	CFS Comm. Failure to Stop After Accident s.346.67 (with personal injury)		
	167	HFS Haz. Comm. Failure to Stop After Accident s.346.67 (with personal injury)		
343.31(2u)	105	SVO Serious traffic violation by holder of an occupational license	Suspend 1 year - Eligible for occupational after 15 days.	0

Statute #	Charge Code #	Charge/Reason	Action	Points
343.31(2r)	94 56	FA Falsified Application s.343.14(5), s.343.19(2), & s.345.17 P Perjury	Suspend 1 year - (s.345.17, s.343.14(5), s.343.19(2) pertaining to Identification Card and failure to return original license is exempt as a mandatory revocation.) Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 renumbered s.343.31(1)(e) to s.343.31(2r). Violations prior to 01/01/00 were revocations.	0
343.31(3)(c)	120 143 168 132 159	NHI Negligent Homicide Intoxicated s.940.09 CHI Commercial Negligent Homicide Intoxicated s.940.09 HHI Haz. Commercial Negligent Homicide Intoxicated s.940.09 CAD Commercial Alcohol Causing Death s.940.09(1)(bm) HAD Haz. Commercial Alcohol Causing Death s.940.09(1)(bm)	Revoke 5 years - Revoke 10 years if violation on or after 06/21/96 and passenger in vehicle under age 16. (Act 425 effective 06/21/96) Eligible for occupational after 120 days. Effective with OWI-type violations on or after 09/30/01, not eligible for occupational until after 1 year if any 2 convictions have violation dates within a 5 year period (s.343.31(3m)(a). Assessment Required. 2003 Wis. Act 97: Effective with violations committed on or after 12/19/03 – 940.09(1)(am) or (cm). NHI/CHI/HHI – Person has a detectable amount of a restricted controlled substance in his or her blood. Statute number listed in remarks field of the conviction entry on driver record.	0
343.31(3)(d)	21	AEO Attempt to Elude Officer s.346.04(3)	Revoke 6 months – No Bodily Harm or Property Damage Revoke 1 year – With Bodily Harm or Property Damage Revoke 2 years – Result in Great Bodily Harm Revoke 5 years – Result in Death Eligible for occupational after 15 days.	6
343.31(3)(e)	107 145 170	OII Operating While Intoxicated Causing Injury s.346.63(2) CII Commercial OWI Causing Injury s.346.63(2)(a)1.& 2. HII Haz. Commercial OWI Causing Injury s.346.63(2)(a)1.&2	Revoke 1-2 years - Revoke 2-4 years if violation on or after 06/21/96 and passenger in vehicle under age 16. (Act 425 effective 06/21/96) Eligible for occupational after 60 days. Effective with OWI-type violations on or after 09/30/01, not eligible for occupational until after 1 year if any 2 convictions have violation dates within a 5 year period (s.343.31(3m)(b). Assessment required. 2003 Wis. Act 97: Effective with violations committed on or after 12/19/03 – 346.63(2)(a)3. OII/CII/HII – Person has a detectable amount of a restricted controlled substance in his or her blood. Statute number listed in remarks field of the conviction entry on driver record.	6

Statute #	Charge Code #	Charge/Reason	Action	Points
343.31(3)(f)	86 135 133 162 160	GBH Great Bodily Harm s.940.25 CBH Commercial OWI Causing Great Bodily Harm s.940.25 CAH Commercial Alcohol Causing Great Bodily Harm s.940.25(1)(bm) HBH Haz. Commercial OWI Causing Great Bodily Harm s.940.25 HAH Haz. Commercial Alcohol Causing Great Bodily Harm 940.25(1)(bm)	Revoke 2 years - Revoke 4 years if violation on or after 06/21/96 and passenger in vehicle under age 16. (Act 425 effective 06/21/96) Eligible for occupational after 120 days. Effective with OWI-type violations on or after 09/30/01, not eligible for occupational until after 1 year if any 2 convictions have violation dates within a 5 year period (s.343.31(3m)(a). Assessment required. 2003 Wis. Act 97: Effective with violations committed on or after 12/19/03 – 940.25(1)(am) or (cm). GBH/CBH/HBH – Person has a detectable amount of a restricted controlled substance in his or her blood. Statute number listed in remarks field of the conviction entry on driver record.	0
343.31(3)(i)	25 142 167	FSA Failure to Stop After Accident s.346.67 (involving Great Bodily Harm) CFS Commercial Failure to Stop After Accident (involving Great Bodily Harm) HFS Haz. Commercial Failure to Stop After Accident (involving Great Bodily Harm)	Under 17-Confidential-s.938.396(4) Revoke 2 years - Eligible for occupational after 15 days. See s.343.31(1)(d) for 1 yr revocation with personal injury & s.343.31(3)(j) for 5 yr revocation involving death.	6
343.31(3)(j)	25 142 167	FSA Failure to Stop After Accident s.346.67 (involving death) CFS Commercial Failure to Stop After Accident (involving death) HFS Haz. Commercial Failure to Stop After Accident (involving death)	Under 17-Confidential-s.938.396(4) Revoke 5 years - Eligible for occupational after 15 days. See s.343.31(1)(d) for 1 yr revocation with personal injury & s.343.31(3)(i) for 2 yr revocation involving great bodily harm.	6

DEPARTMENTAL ACTION

The department shall revoke or suspend the operating privilege for ACF, ADL, LOL, IUL upon receiving a record of conviction for violation of a state law or local ordinance under Chp. 349 or under a law of a federally recognized American Indian tribe or band in this state in conformity with a state traffic violation-s.343.32(1s).

Statute #	Charge Code #	Charge/Reason	Action	Points
343.32(1s) Trans.101.04(6)	05 43 41	ADL Altering Drivers License Viol. of s.343.43(1)(g) LOL Loaning of License Viol. of s.343.43(1)(b) IUL Illegal Use of Operator's License Viol. of s.343.43(1)(a),(c),(e),(f)	Suspend 6 months - Eligible for occupational after 15 days. Effective 01/01/00 - Act 84 amended & renumbered s.343.32(1)(b) to s.343.32(1s) and eliminated revocation of operating privilege.	0
343.32(1)(c) Other Jurisdiction	05 43 41	ADL Altering Drivers License LOL Loaning of License IUL Illegal Use of Operator's License	Department has authority to revoke 6 months from date of conviction, however, no action will be taken due to difference in handling convictions under s.343.32(1s). Effective 01/01/00-Act 84 eliminated revocation of operating privilege under s.343.32(1s).	0
Other Jurisdictions & WI Tribal Courts 343.32(1m)(b) (17 and over)	188	D Any Drug Offense - Tribal Court violations s.961.50	Other Jurisdiction: Department policy - suspend 6 months effective upon date of conviction. Tribal Court: Suspend 6 months effective upon date of conviction unless other time period designated by court.	0
(under 17)	178	JCS Confidential	(s.343.32(1m) gives the department the authority to suspend for not less than 6 months nor more than 5 years) Eligible for occupational - refer to s.343.32(1m)(b)2. & 3. 1st – immediately; 2nd - 60 days; 3rd & subq - 90 days Consider previous convictions under s.961.50 within a 5 year period measured by the date of violation. (s.343.32(1m)(c). Effective 06/11/94 Act 480 created 343.32(1m)(d): The suspension or revocation for violations on or after 06/11/94 is effective on the date on which the person is first eligible and applies for issuance, renewal, or reinstatement of an operator's license. Violation on or after 07/01/96-Act 77 changed violator age to 17 and over. Effective 01/01/00 - Act 84 eliminated revocation of operating privilege.	0

Statute #	Charge Code #	Charge/Reason	Action	Points
343.34(2)	211	AFA Appear For Examination for Another Viol. of s.343.16(7)(b)	Suspend 2 months, effective date of notification by department. Eligible for occupational after 15 days.	0
344.14	192	SR Safety Responsibility DL suspension	Suspend 1 year, or if court action initiated, suspend until court action is satisfied. Not eligible for occupational license for regular operation. Eligible for CDL occupational license only if CDL license held prior to the suspension. SR22 and \$50 reinstatement fee required to reinstate operating privilege. Effective 04/09/01. Cases processed prior to 04/09/01 were revocations.	0
344.14	193	SRR Safety Responsibility Registration suspension	Suspend 1 year, or if court action initiated, suspend until court action is satisfied. Not eligible for occupational license for regular operation. Eligible for CDL occupational license only if CDL license held prior to the suspension. SR22 for vehicle coverage and \$50 reinstatement fee required to reinstate registration privilege. Effective 04/09/01. Cases processed prior to 04/09/01 were revocations.	0
344.25	12	DJN Certified Unsatisfied Damage Judgment	Suspend indefinitely or until judgment satisfied or an acceptable installment agreement filed. This includes suspension of registration privileges. Not eligible for occupational license for regular operation. Eligible for CDL occupational license only if CDL license held prior to the suspension. SR 22 and \$100 reinstatement fee required to reinstate operating and registration privileges. Effective 04/09/01. Cases processed prior to 04/09/01 were revocations.	0
351.025 351.07(2)	82 213	HTO Habitual Traffic Offender RHT Repeat Habitual Traffic Offender	Revoke for 5 years if determined to be a habitual traffic offender, effective date of notification by department. Eligible for occupational after 2 nd year of revocation period. s.343.10(1r). Tribal Court convictions with violations on or after 08/15/91 are to be included as HTO major and minor convictions - s.351.02(1)(c). Effective 08/01/98 - Act 84 repealed s.351.02(1)(a)4. changing OAR/OWS convictions to minor convictions.	0

Point System Cases-Trans. 101.04 (DR)

The department shall suspend the operating privilege for an accumulation of 12 or more demerit points in 12 months. Eligible for an occupational license immediately-s.343.32(6).

The length of the suspension is determined by Trans. 101.04(4).

Point system cases are based on convictions with violations of any state traffic laws or local ordinance or any traffic laws enacted by a federally recognized American Indian tribe or band in this state which is in strict conformity with a state traffic law.

Point system cases effective prior to 04/09/01 were revocations if subject was previously suspended or revoked under Chapter 343 except for 343.30(6) or 343.345.

Non-Compliance Suspensions/Revocations (NCF,NCI,NCP,NCA,NCT,NCE)

S.343.30(1q)(d) & s.343.305(10)(d) - The department, if notified of non-compliance which includes non-payment of the Driver Safety Plan fee, shall suspend the operating privilege until compliance is made with assessment or Driver Safety Plan. NCI, NCP, NCA cases are revocations. NCE, NCF, NCT cases are suspensions. All non-compliance withdrawals prior to 04/09/01 were suspensions.

Administrative Suspensions (BAC,CAC,HAC)

S.343.305(7)-BAC, CAC, HAC: If a person submits to chemical testing administered in accordance with s.343.305 and any test results indicate a prohibited alcohol concentration (0.08% or more if 1, 2 or no priors, or more than 0.02% if 3 or more priors) or a detectable amount of a restricted controlled substance in his or her blood, the law enforcement officer shall report the results to the department and take possession of the person's license; forward the license to the department; and issue a 30 day driving receipt, if applicable.

The person's operating privilege is administratively suspended for six months and shall become effective 30 days after the date of the notice-s.343.305(8)(a).

A person who has his or her operating privilege administratively suspended is eligible for an occupational license immediately-s.343.305(8)(d).

The person has 10 days from the date of notice to request an Administrative Review-s.343.305(8)(b)1.

Judicial Review

After the Administrative Review, an aggrieved person may request a Judicial Review by the court-s.343.305(8)(c). The request for Judicial Review does not automatically stay the Administrative Suspension.

S.343.305(8)(c)1. The request must be filed with the court within 20 days from date of the hearing examiners decision. The court shall forward a copy of the Judicial Review Request to the department. The review shall be conducted at the time of trial of the underlying offense. The prosecutor of the underlying offense shall represent the interests of the department.

S.343.305(8)(c)2. If the court orders the suspension either rescinded or sustained the court shall file its order with the department. The department shall vacate the administrative suspension if the judicial review is not held within 60 days from the date requested.

No reinstatement fee will be required if the court orders the Administrative Suspension rescinded.

Credit For Time Served

Act 7 - Effective 04/05/89

S.343.30(1q)(h) and 343.305 (10)(g) states that the court or department shall provide that the period of suspension or revocation imposed under this subsection shall be reduced by any period of suspension or revocation previously **served** for any Implied Consent, Administrative Suspension for Prohibited Alcohol Concentration and the conviction for Operating While Intoxicated, Prohibited Alcohol Concentration or Underage Alcohol Operation or a local ordinance in conformity therewith which arose out of the same incident or occurrence.

Section 343.325(3m) - Whenever the suspension or revocation of an operating privilege has been rescinded or withheld because of administrative action, an appeal, or a court order to reopen, stay, or vacate a conviction, suspension, or revocation and that suspension or revocation is subsequently re-imposed; the period of suspension or revocation so re-imposed shall be reduced by the period of suspension or revocation previously served.

COMMERCIAL MOTOR VEHICLE DISQUALIFICATIONS

EFFECTIVE 04/01/92
(Violations on or after 07/01/87)

- s.343.315(2)(a)--1st conviction results in a 1 year disqualification.
- s.343.315(2)(b)--CMV Hazardous Material-1st conviction with violation on or after 07/01/87 results in a 3 year disqualification.
- s.343.315(2)(c)--Any 2nd & Subsequent conviction with violation on or after 07/01/87 results in a disqualification for life.
- s.343.315(2)(d)--If a person reinstates after successful completion of the rehabilitation program and is subsequently convicted of an offense under (a), the person shall be disqualified for life and shall not be eligible for reduction.
- s.343.315(2)(e)--CMV Used in Commission of a **Felony** involving manufacture, distribute or dispense controlled substance or possess with that intent; results in a disqualification for life.

***Tribal Court convictions with violations on or after 08/15/91 will result in a disqualification.

Statute #	Charge Code #	Charge/Reason	Action
s.343.315(2)(a)1	157 138	CWI Commercial Operating While Intoxicated CCS Commercial OWI – Controlled Substance	1st Viol-Disqualified 1 year 2nd & Subq Viol - Disqualified for LIFE
	173 165	HWI Hazardous Commercial Operating While Intoxicated HCS Hazardous Commercial OWI – Controlled Substance Operating While Under the Influence of an Intoxicant s.346.63(1)(a), (b) and (am); Controlled Substance-s.346.63(1)(a)	1st Viol-Disqualified 3 yrs 2nd & Subq Viol - Disqualified for LIFE
s.343.315(2)(a)2	130	CA Commercial Alcohol - 0.04 but less than 0.08 s.346.63(5)(a)	1st Viol-Disqualified 1 year 2nd & Subq Viol - Disqualified for LIFE
	163	HCA Haz. Commercial Alcohol s.346.63(5)(a)	1st Viol-Disqualified 3 yrs 2nd & Subq Viol - Disqualified for LIFE

Statute #	Charge Code #	Charge/Reason	Action
s.343.315(2)(a)3	142	CFS Comm. Failure to Stop After Accident s.346.67	1st Viol-Disqualified 1 year 2nd & Subq Viol-Disqualified for LIFE
	185	CFU Comm. Failure to Stop After Accident - Unattended Vehicle s.346.68	
	141	CFR Comm. Failure to Report Accident s.346.69	
	190	CDS Comm. Duty Upon Striking Property s.346.69	
	167	HFS Haz. Comm. Failure to Stop After Accident s.346.67	1st Viol-Disqualified 3 yrs 2nd & Subq Viol-Disqualified for LIFE
	186	HFU Haz. Comm. Failure to Stop After Accident - Unattended Vehicle s.346.68	
	166	HFR Haz. Comm. Failure to Report Accident s.346.69	
	191	HDS Haz. Comm. Duty Upon Striking Property s.346.69	
s.343.315(2)(a)4	156	CVF Comm. Vehicle Used in Commission of Felony	1st Viol-Disqualified 1 year 2nd & Subq Viol-Disqualified for LIFE
	172	HVF Haz. Comm. Vehicle Used in Commission of Felony	1st Viol-Disqualified 3 yrs 2nd & Subq Viol-Disqualified for LIFE
s.343.315(2)(a)5	144	CIC Comm. Implied Consent s.343.305(9)	1st Viol-Disqualified 1 year 2nd & Subq Viol-Disqualified for LIFE
	146	CIN Comm. Implied Consent - Not a Drop	
	169	HIC Haz. Comm. Implied Consent	1st Viol-Disqualified 3 yrs 2nd & Subq Viol-Disqualified for LIFE
	171	HIN Haz. Comm. Implied Consent - Not a Drop	

Statute #	Charge Code #	Charge/Reason	Action
s.343.315(2)(a)6	145	CII Comm. OWI Causing Injury s.346.63(2)(a)1, 2 & 3	1st Viol-Disqualified 1 year 2nd & Subq Viol-Disqualified for LIFE
	134	CAI Comm. Alcohol Causing Injury – .04 or greater s.346.63(6)	
	143	CHI Comm. Negligent Homicide Intoxicated s.940.09(1), 940.09(1)(am) & (cm)	
	135	CBH Comm. OWI Causing Great Bodily Harm s.940.25, 940.25(1)(am) & (cm)	
	132	CAD Comm. Alcohol Causing Death s.940.09(1)(bm)	
	133	CAH Comm. Alcohol Causing Great Bodily Harm s.940.25(1)(bm)	
	170	HII Haz. Comm. OWI Causing Injury s.346.63(2)(a)1, 2 & 3	
	161	HAI Haz. Comm. Alcohol Causing Injury – .04 or greater s.346.63(6)	1st Viol-Disqualified 3 yrs 2nd & Subq Viol-Disqualified for LIFE
	168	HHI Haz. Comm. Negligent Homicide Intoxicated s.940.09(1), 940.09(1)(am) & (cm)	
	162	HBH Haz. Comm. OWI Causing Great Bodily Harm s.940.25, 940.25(1)(am) & (cm)	
	159	HAD Haz. Comm. Alcohol Causing Death s.940.09(1)(bm)	
	160	HAH Haz. Comm. Alcohol Causing Great Bodily Harm s.940.25(1)(bm)	
s.343.315(2)(e)	137	CCF Comm. Controlled Substance Felony	Disqualified for LIFE with any violation on or after 07-01-87.
	164	HCF Haz. Comm. Controlled Substance Felony	

Statute #	Charge Code #	Charge/Reason	Action
s.343.315(2)(f)	136 139 140 150 151 152 153	Serious Traffic Violations-CMV (Separate occurrences within a 3 yr period. The 120 day disqualification shall be in addition to any other disqualification imposed.) CCD Comm. Careless Driving (out-of-state convictions only) CDL Comm. Deviating From Lane of Traffic CFC Comm. Following Too Closely CPI Comm. Passing Illegally CRD Comm. Reckless Driving CSE Comm. Speeding Excess (20 mph or more over the limit) CSI Comm. Speeding Intermediate (15-19 mph over the limit) Any conviction related to a motor vehicle traffic violation with a fatal accident.	Two Viols-Disqualified 60 days Three Viols-Disqualified 120 days
s.343.315(2)(fm)	94	FA CDL Falsified Application s.343.14(5) & s.345.17	Disqualified 60 days
s.343.315(2)(h)	183	OWD Comm. Operating While Out of Service s.343.44(1) A disqualification under this paragraph shall be in addition to any penalty under s.343.44. Do not take action on a conviction in another jurisdiction or consider as a prior violation.	1st Viol-Disqualified 90 days/Haz 180 days. 2nd Viol-Disqualified 1 year/Haz 1-3 years. 3rd & subq Viol-Disqualified 3 yrs Previous violations are violations arising from separate occurrences within a 10 yr period while operating a commercial motor vehicle.
s.343.315(2)(i)	183	OWD Comm. with 16 or more passengers Haz. Comm. Operating While Out of Service s.343.44(1) A disqualification under this paragraph shall be in addition to any penalty under 343.44. Do not take action on a conviction in another jurisdiction or consider as a prior violation.	1st Viol-Disqualified 180 days 2nd & subq Viol-Disqualified 3 yrs. Previous violations are violations arising from separate occurrences within a 10 yr period while operating a commercial motor vehicle.

Statute #	Charge Code #	Charge/Reason	Action
s.343.315(2)(j)	22	CMV Railroad Crossing Violations under 346.44(1)(a) or (b); 346.44(2); 346.45(1)(a), (am), (b), (c), (d), (e); 346.45(2); 346.52(1)(i) FOS Failing to reduce speed and determine that the tracks are clear of any approaching train FOS Failing to stop before reaching the crossing if the tracks are not clear FOS If the operator is always required to stop the vehicle, failing to do so before proceeding onto the crossing FOS Failing to obey any official traffic control device or direction of any traffic officer, railroad employee, or other enforcement official FOS Failing to have sufficient space to proceed completely through the crossing without stopping the vehicle.	1 st Violation – Disqualified 60 days 2 nd Violation – Disqualified 120 days 3 rd and Subsequent Violations – Disqualified 1 year
	59	POH Failing to successfully proceed through the crossing because of insufficient undercarriage clearance.	